R.7.221-92

G. R. S. IX-5]

Previous references.

1889-90

~~191~~.

(L.R.)

File No. 21.

Serial Nos.

Later references.

25

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-9

Part B for Dec, 92.

SUBJECT.

The right of Kodagidars to the materials of abandoned tanks.

Enclosed Do

Condemned

W D 88—GPB—50,000—24-7-16

The 5th March 1890.

No. 358.—Under Section 12 of the Code of Criminal Procedure, Mr. D. Devaraj Ars, General Assistant Commissioner, Hassan District, is invested with the powers of a Magistrate of the 1st Class.

The 8th March 1890.

No. 360.—B. Ramaswami Iyer, Amildar of the Goribidnur Taluk, Kolar District, has been granted privilege leave of absence for 16 days with effect from the 13th November 1889.

No. 361.—Mr. J. L. Mackay, Assistant Superintendent, 3rd Grade, Mysore Revenue Survey, is promoted to the 2nd Grade with effect from 1st January 1890.

The 10th March 1890.

No. 393.—The following rules prescribed in Government Order No. 9761-2—169, dated 8th March 1890, for the use of stones of Forts or Tanks are published for general information and guidance :—

1. Stones of Forts or Tanks whether in good order or in ruins should not be appropriated for any Public Works (Government, Municipal or Local) or for other purposes without the permission of the Deputy Commissioner to be obtained by application made to him together with a statement showing the estimate of the quantity and value of the stones proposed to be used.

2. When such permission is sought, prompt enquiry should be made by the Revenue Department to ascertain whether there is any objection to the proposed removal and appropriation of the stones.

3. If there be no such objection, the stones should be allowed to be at once removed and utilized as proposed, their value being duly credited to the Government in the Revenue Department.

4. Any difference of opinion between the Deputy Commissioner and the officer applying for the stones, as to their value, should never be a ground for delaying the grant of the permission applied for. The permission should, in such cases, be first granted, and then the question of value be reported for the orders of Government.

5. All D. P. W. estimates for works wherein such stones are proposed to be used should state their value. In the disposal of contracts for such works, special care should be taken to ensure that no undue profit ensues to the contractor from the permission to use Government stones of Forts or Tanks.

6. The above rules should be regarded as supplementary to those contained in the late Chief Commissioner's Proceedings Nos. 3276—1 and 2484—353, dated 19th July 1875 and 27th July 1880.

The following Circular order is published for information :—

ORDER No. 9591-8—CIR. 210, DATED 8TH MARCH 1890.

The Deputy Commissioners are requested to give due effect, during the Jamabandi of the current year, to the remarks of the Dewan as per the marginal extract from Proceedings of the Assembly of Representative Raiyats and Merchants held in October 1888, regarding the assessment of the mohatarfa house-tax.

It was put forward as a grievance that mohatarfa house tax should be collected from raiyats who lived in villages where they owned no land, but held land in the adjoining villages. Remission of the tax was prayed for in such cases.

In reply, it was observed that the Rule which was an indulgence and privilege to the raiyats was that, if he held land in a village, he might be exempted from house tax ; that it was inconvenient to extend it to all the cases mentioned by the Representatives. A raiyat might have land in one Taluk, or in one District and live in another Taluk or District ; and yet, he might, under the view taken by the Representatives, claim exemption. The Dewan, however, was quite aware of some really hard cases where a raiyat might not find building site in the village his land might be situated in ; or it might be a bechirakh village ; in such cases the raiyat's house in the adjoining village might justly be entitled to remission ; such cases should be brought up before Jamabandi Officers, who should grant the remission. The Representatives said that the concession met the objection.

2. In future the following definite Rule shall be adopted namely :—

"If raiyat, from any cause whatsoever, resides in a village in which he holds no land, but holds lands in a neighbouring village not distant more than five miles from his residence, he shall be entitled to exemption from the mohatarfa house tax as an agriculturist."

Draft Rule.

In supersession of existing procedure, the following rule is prescribed in regard to *Mysore Gazette* subscriptions.

Intending subscribers should pay the amount of their subscription into the nearest Taluk Treasury.

The Amildar shall grant in duplicate a receipt for the money so paid in the printed forms of receipt usually adopted for Treasury acknowledgments.

The intending subscriber shall keep the duplicate and forward the original of this receipt to the Compiler, *Mysore Gazette*, with his order for the Gazette.

The Compiler shall accept the Treasury receipt as a remittance duly made.

1. The petition box kept at the Dewan's Office, Bangalore, will be cleared at 12 noon every day by the Chief Secretary, and in his absence from Bangalore by the Under-Secretary.

2. Petitioners will be heard at the Office of the Dewan at 3 P. M. on every Thursday.

By Order,
T. ANANDA RAO,
Chief Secretary.

The Dewan will receive Gentlemen who wish to see him at his Residence between 12 noon and 2 P. M. on every Saturday.

Native Gentlemen may, if they prefer it, call at 3 P. M. on the same day.

By Order,
K. DORAISWAMI IYER,
Private Secretary.

EDUCATION.

The 20th of February 1890.

MYSORE LOCAL EXAMINATION.

The following Prizes are offered for the Mysore Local Examination of 1890 :—

1. Mr. Muhammad Ali, K. B., Pensioned Deputy Commissioner.	To a successful Muhammadan teacher who obtains the highest number of marks in Algebra in the Teachers' Examination.	Rupees 10.
2. Mr. Muhammad Ghouse, Coffee Planter, Belur Taluk. (Through Mr. Muhammad Ali, K. B., Pensioned Deputy Commissioner)	To a successful Muhammadan candidate who obtains the highest number of marks in the Language subjects (Persian) and Arithmetic, in the Pupils' Examination.	A silver cup value Rs. 12.
3. Mr. Khadir Ali, Amildar of Gundlupet Taluk. (Through Mr. Muhammad Ali, K. B., Pensioned Deputy Commissioner).	To a successful Muhammadan candidate who obtains the highest number of marks in History and Geography, in the Pupils' Examination.	Rupees 10.
4. Mr. Abdul Karim, Merchant, Civil and Military Station, Bangalore. (Through Mr. Muhammad Ali, K. B., Pensioned Deputy Commissioner).	To a successful Muhammadan candidate who obtains the highest number of marks in Hygeine in the Pupils' Examination.	Rupees 5.
5. Messrs. Haji Abdulla and Haji Muhammad Saits, Commercial Street, Civil and Military Station, Bangalore. (Through Mr. Muhammad Ali, K. B., Pensioned Deputy Commissioner).	To a successful Muhammadan teacher who obtains the highest number of marks in School Management.	Rupees 10.
6—13 Do do	To successful Muhammadan Pupils who obtain the highest number of marks in Handwriting, Arithmetic, Dictation, History, Parsian text and Grammar, Hindustani text and Grammar, Hygiene, and Geography respectively in the Pupils' Examination.	8 Prizes of Rs. 5 each.
14. Mr. Shek Kasim, Pensioned Subadar Major, Narayinsami Pille's Street, Civil and Military Station, Bangalore. (Through Mr. Muhammad Ali, K. B., Pensioned Deputy Commissioner).	To a successful Muhammadan candidate who obtains the highest number of marks in the Language subjects (Persian and Hindustani) in the Pupils' Examination.	Rupees 5.

Submitted for orders
15-3-90
19-3-90
References

To Dy Cr Bangalore
In reply regret that the
Mill Owners the H.S Dewan
Withdrawn in the
Question have caused
Opposition to the Rules issued
Received in No 363 & 4 & 11-3-90
for the Disposal of Stones
of Ruined tanks

To Dy Cr Kolar
Copy of Dy Cr Bang:s
letter is forwarded for his opinion
& report of precedents
& practice in the Kolar
Dist

Sd/ 17/3/90

Approved
18/3/90 draft'd 19/7

(General Serial No. 31.)

(1)

OFFICE OF THE DEWAN OF MYSORE
9749
17 MAR 90
734

1889-90

From The Dy Commissioner Bangalore District

To The Chief Secretary to the ~~Dewan~~ Govt of Mysore.

Dated 12th March 1890

Despatched 14th

Received

Enclosures No. 3

General No.

No. 857

Requesting orders as to whether the Kodagidars of Kodaye Tank of Manchanapalli village have any right to the materials of Tank has been abandoned

12 19-3-90. A3 17-3-90

(1)

D. Commissioner's Office
Bangalore District

D. No. 857 Camp Hoskote 12th March 190.

To

The Chief Secretary
to the Govt. of Mysore

Sir,

In forwarding Hoskote Taluk Amildar's report No 952 dated 3rd Ultimo I have the honor to state that the Kodage tank of Manchappanahalli village in the Hoskote Taluk being finally abandoned by the Public Works Department the Kodagedar wants to sell the stones of his Kodage tank to the Contractor for the repairs of Tavarekere tank and on a reference being made to the Executive Engineer, he is of opinion that

the Kodagidars right to such
stone is doubtful. I would
therefore request the favor
of orders on the subject
The question to be decided
is, whether after the Kodag
tenure has ceased to exist
and the tank has been
abandoned by Government
and is no longer kept in
repair the Kodagidar or tu
heer has a right to the materials
used for the construction
of the tank The question
does not seem to have been
decided authoritatively

I have the honorable
Sir
Your most obedient Servant

[signature]
Commissioner

(General Serial No. 32.)

189 0.

No. 205

Name of Petitioner. Guruvappa Kodegedar.

Village. Manchapiranahalli

Taluk. Hoskotta

District. Bangalore

Date of Arzi. 9-5-90

Date of Receipt. 12-5-90

Date of Disposal.

No. of Enclosures.

ABSTRACT.

Solicits the passing of early orders on a reference which the Dy Comr seems to have made to Govt (vide his endorsement to Petr. he 11. on the subject of Petrs intention to sell to a certain contractor who is repairing the tank & Tavarekere the remains of the stones belonging to the old revetment of the Kodegan tank of this village the repair of which by Govt was declared unnecessary by the D P W; Petr had

Sir

Letter No. 2752 dated 19-12-90 from the Dy Comr Kolar submitting report in re the Kodigedars 638 lease allowed the use of the materials of the Kodagi Tanks was subd for Dewan Bahadurs orders on 10-2-91. Orders have not been passed thereon as yet

Subd to the Dewan

MBR 3/3/91. Attd 4/3/91

Submitted for orders.

12/5/90 AR

Dy Comrs No 857 d/12/3/90 was submitted to Chief Sect on 19-3-90

AR 12/5/90

Dewan

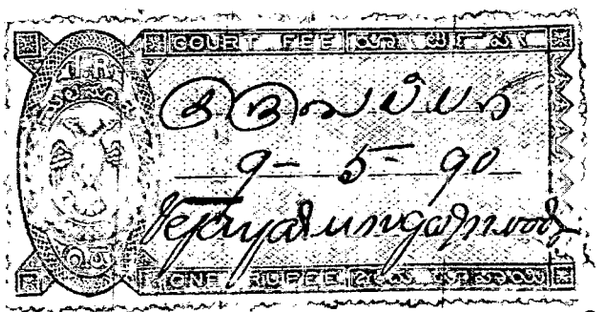
The general question of the right of Kodegedars to the stones in a ruined tank in the Dist do not seem to be maintained to have been raised & the opinions of the Dy Comr Kolar & Bangalore Collr & Supt to Dewan for orders & I don't think orders have been passed - Quite the reverse here below & round

Attd 1/3

with the tank 2 maps

already sold to the
same contractor the
remaining portion of
the stones which apparently
he was not objected to

12-5-90



No 205
ದಿನಾಂಕ 12-5-90

the Suvarnamukhi river in the Kolagere

of land ment.		Particulars of unfitness of land.				Balance of Assessment	Amount of abatement to be remitted.		Assessment payable by the Ryots after deducting the amount to be remitted	
Extent	Assessment	Land covered with sand.	Land cut up.	Land on which crops destroyed by flood.	Total Extent					
8	9	10	11	12	13	14	15		16	
31	24	1.25			1.25	3.6	4	14	19	15 a
30	2.8	4			.4	.26		28	2	54
5	9 a	3.5			3.5		4	8	4	8
18	1.4			1.18	1.18					
1	3.0			1.1	1.1		2	5	2	11
20	.12			.20	.20					
15	10.			2.15	2.15		4	6.		
1.a	38	5.30			5.30	1.10	15	9 8	22	8 4
3.8	14	2.a			2.1	1.8	4	8	9	8
4.30	21		4.30		4.30		10	4	10	12
2.10	10			2.10	2.10		4	4	5	14
1.24	1.8	1.24			1.24			12		12

(2)

(General Serial No. 30.)

1890

From

To The Deputy Com
Bangalore

Dated 22 Jan

Despatched 23

Received

Enclosures No.

General No. 3737 & 2 drgs

No. 173

Jan 1890

Forwarded

His docket no 857 dated the 12 March 1890, requesting orders as to the disposal of the stones of the abandoned Kodigehalli tank of Manchanahalli in the Hoskote Taluk

In reply has the honor to request that the D[istrict] C[ommissioner] will be good enough to give his opinion on the question raised in the above

and with reference to the
rules since prescribed in
No. 363 dated the 10 March
1890 for the disposal of
stores of ruined tanks.

BO

CJ

MW

(General Serial No. 30.) 2 Draft

1890

From

To The Deputy Comr
Kolar Dist

Dated 22 Jul

Despatched 23

Received

Enclosures No.

General No. 3730 & draft

No. 176

No. 857 Ly 12-3-90.

I/c accompanying copy
of a letter from the Dy Comr
Bangalore Dist is forwarded
to the Deputy Comr of the
Kolar Dist for favr of
his opinion and a report
of precedents & practice
in the Kolar Dist

I/Secy

BO
CA
Init

(4)

(General Serial No. 30.)

189

From The Dy Commrs Bangalore

To The Chief Secretary to the Dewan

Dated 14th August 1890

Despatched

Received 5-7-1890

Enclosures No. 261

General No. 9749

No. 368

Returned 17/8/90

Drafted 22/8/90 AHK

Secretariat

This Office seeks No 85 dated 12th March last, forwarding for orders Hoskote Taluk Amildars report No 952, regarding the stones of the abandoned Kodigehalli Tank of Manchanapanahalli village.

Has the honor to request the favor

of the return of the
vernacular papers
forwarded with
the above

Abdul Rahman

D/Commissioner

mcs

(General Serial No. 30). (5) 816

1890

From

To The Dy: Commr
Bangalore Dt.

Dated 22nd August/90

Despatched

Received

Enclosures No. 3

General No. 5771
No. 261

With reference to
his Docket No. 368 dated
14 Augt/90 has the honor
to return as requested
the Vernacular papers
received with your
Docket No. 857 dated
12 March/90.

By order

Asst
Mr: Secy:

(6)

D. No. 634.

Dy. Commissioner's Office
Bangalore District
Nelamangala 5th December
190-

To.

The Chief Secretary
to the Dewan of Mysore

Sir

With reference to your docket No. 3/37 of the 22nd July last 173 I have the hono. to state, that the rules published under Notification No 393 dated 10th March, do not furnish any guidance for the decision of the question whether a Kodagudar has a right to the materials used in the construction of a tank

2 In the present c the tank is a Kodag

and the Kadagedar states, that it was constructed by his ancestors at their own expense. The tank being now abandoned by Government I consider the Kadagedar is entitled to the stones claimed by him

3. The stones in question have since been sold by the Kadagedar to the Contractor, who has utilized the same towards the repair of the Javanekere Tank; and provision also seems to have been made on this account in the estimate.

I have the honor to be
Sir
Your most obedient Servant

J. N. Jenkins Asst
Dy Commissioner

(7) 4 Sr

(General Serial No. 30).

1890.1

From Surveyor N

To The Deputy Commissioner
Kolar District

Dated 16th

Despatched 17 December 1890

Received

Enclosures No.

General No. 10266.
No. 420

This office No. 3736 of 176
the 22nd July 1890 calling
for opinion in regard
to the disposal of
Stones of abandoned
Reservoir Tanks.

~~~~~~~~~~~~~~~~~~~~

Has the honor to
request an early
reply to the above.

Yours obedt servt
Border
Under Secy

B.D.
AR
~~~~~~~~~~~~~~~~~~~~

26

8198

(General Serial No. 31).

OFFICE OF T
8946
31 DEC. 90
622
DEWAN OF MYSO

189 0

From

The Deputy Commissioner
Kolar District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 19th December

Despatched 24th

Received

Enclosures No. One

General No. 2752
No. 638

Submitting report
of Amen of Kodagadars
having allowed the
use of the materials
of their Kodagu Tanks

Referred
as
25/12/90

Lie Submitted
DS
9-1-91

Returned
as
7/2/91

Subd for Dewans orders
The question is are Kodagadars
entitled to property in Kodagu
Tanks abandoned by PWD -
Mr Rangaiya Referred the question
for Gutt orders & has anticipated
them in the Kodagadars favour -
The Kolar Dy Commr
that Kodagadars are not
Entitled

7/2/91

Dewan's order d/9th Dec/92

"Abandonment does not
give any right to the Inamdar
in regard to the stones. No
reversionary right to the
stones can be recognized.
Enfranchisement relieves
them of all rights & liabilities"

K. S.

Drafted
AK 19/12/92

Circle

2752
638
Enclos. One

(8)

Deputy Commissioner's offi
Kolar District
Dated Camp Bagepalli 19th December 1890

To

The Chief Secretary to the
Dewan of Mysore.

Sir,

With reference to your Docket No: 3736/176 of the 22nd July 1890, I have the honor to state that there seems to be no precedent in this District of the Kodagidaru having been allowed the use of the materials of their Kodagi Tanks finally abandoned by the Public Works Department.

2 The right of the Kodagidaru to such tanks must be taken to have passed to Government on the abolition of the old tenure and the enfranchisement of their Inam lands

3 In this view of the case, the ex; Kodagidaru can have no claim to the materials even if the tanks are abandoned as useless provided they can find other means of irrigation for their Inam lands so that their position may be as good as it was when the Government relieved them of their liability to maintain the

-, the Lauks-

4 Copies of the marginally noted letters from the General and Gold Mines Assistant Commissioners expressing their opinions on the subject are herewith submitted for reference

No: 80 of the 13th August 90 from the General Assistant Commissioner.

No: 5 of the 11th -Do- from the Assistant Commissioner Gold Mines

I have the honor to be,
Sir,
Your most Obedient Servant,

Deputy Commissioner

No=80

General Assistant Commissioner's Office
Kolar
Dated 13th August 1890.

8/a

9a

To

The Deputy Commissioner
Kolar District

Sir,

With preference to your No= 1250-2/804 of the 5th Instant, I have the honor to state that no case of the kind appears to have hitherto occurred in this District so far as I am aware of. As regards the question involved in the case which has given rise to the correspondence, I observe that Kodagi Tanks are of two categories namely (1) those constructed by private individuals at their own cost (2) those that are simply kept in repair by them. In the case of the former, the Kodagidar should, I think, be allowed the right of disposing of the materials of the tank when it is abandoned. As regards the latter, I fail to see justifiable grounds to recognize the Kodagidar's right.

I have &c:

(Signed) K. Ramachandrachar
Lt: Assistant Commissioner

No=5

Assistant Commissioner's Office
Kolar Gold Fields
Dated 11th August 1890

To

The Deputy Commissioner
Kolar District

Sir,

Adverting to docket No: 3736/176 dated 22nd ultimo from the Chief Secretary to the Dewan, I have the honor to state that I know of no precedent or of any practice in respect to a Kodigidar's right in the Government villages to dispose of the stones or other materials used for the construction of the Kodigi Tanks, at their own pleasure and for their own benifit, when the tanks were abandoned.

When a Kodigidar was relieved of his duty to maintain the Tank in good repair, and his Kodigi Inam land confirmed to him on light assessment (quit rent), the Government acquired all his interest in the Tank and became its owner with all its materials. That being so, the Kodigidar can, I am of opinion, have no claim or title to dispose of the materials of the Tank even if the Government decides to abandon it at any future time, provided water can be got in by other means to irrigate the Kodigidar's lightly assessed lands.

I have &c:-

(Signed) A. Coopoosamy Modaliar

Assistant Commissioner

Copies

Deputy Commissioner.

(9) 8.10

Read,

Letter No. 857 of 12-3-90 from Dy Comr. Bangalore Dist subg Hoskote Amildars report and stating that as the Kodaji Tank of Manchappanahalli village in the Hoskote Taluk, was abandoned by the D.P.W. the Kodajidar claims the stones of this Kodaji Tank.

Read also the subsequent correspondence ending with letter No. 2752/638 of 19th Decr. 1890 from the Dy Comr. Kolar Dist, subg his opinion as to the right of Kodajidars to the materials of abandoned Tanks.

No. 9006-13 D/12-92 / R.F. 221-92 27

Order thereon 29th Decr/92

Government observe that

(General Serial No. 30.)

189

That abandonment of a tank by the D.P.W. does not give any right to the Kodagadar to the Stones. ~~No reversionary right to the Stones can be recognised.~~ Encroachment relieves the ~~Kodagadars~~ Kodagadars of their rights & liabilities ~~to the tanks~~ and no reversionary right to the stones can be recognised.

Draft. Pmk. Ltr.

Chief Secy

To the Dy Com: Bangalore

The Dy Com: Kolar

Copies to other Dy Commissioners

A.K. Asst Secy

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.